

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SATISH SHAH, et al.,)	
)	
Plaintiffs)	
)	
vs.)	CAUSE NO. 3:06-CV-712 RM
)	
KIK INTERNATIONAL LLC,)	
)	
Defendant)	

OPINION AND ORDER

The dispute in this action relates to a purchase agreement entered into between the plaintiffs (collectively referred to as “Shah”) and KIK International for KIK’s purchase of all shares of Shah’s stock in APG, Inc. Arbitration proceedings relating to KIK’s counterclaims are scheduled to commence in Chicago on Monday, September 24, 2007, and Shah seeks a stay of those proceedings.

Article 11.13 of the purchase agreement provides that indemnification claims under Article 8 “may . . . be resolved through binding arbitration in Chicago, Illinois under the rules of the American Arbitration Association.” Shah maintains KIK’s indemnification claims are, in reality, working capital claims, which pursuant to Article 2.2 are to be presented to the accounting firm of Ernst & Young for resolution; KIK insists its claims are indemnification claims, not working capital claims, and, therefore, objects to any stay of the AAA arbitration proceedings. After reviewing the parties’ voluminous filings in this case, the court concludes that Shah hasn’t made the extraordinary showing necessary to enjoin

the arbitration, and the motion to stay the AAA arbitration [docket # 17] is DENIED.

Based on the parties' participation in the arbitration proceedings, it is ORDERED that the clerk of the court mark this action closed for statistical purposes. It is further ORDERED that the court shall retain jurisdiction, and this case shall be restored to the trial docket upon motion of any party if circumstances change so that the case may proceed to final disposition. The remaining motions [docket # 11, 18, 19, 28, 36, 50, and 52] are DENIED without prejudice. This order shall not prejudice the rights of the parties to this litigation.

SO ORDERED.

ENTERED: September 18, 2007

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court